
**Criminal Justice & Corrections
Committee**

ESSB 5055

Brief Description: Changing limits on costs of incarceration charged to offenders.

Sponsors: Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Fairley and Esser).

Brief Summary of Engrossed Substitute Bill

- Requires offenders, with the financial means, to pay \$50 per day if confined in a prison or the actual cost of incarceration if confined in a local jail.

Hearing Date: 2/20/04

Staff: Yvonne Walker (786-7841).

Background:

Counties and the state are authorized to recover costs for inmate incarceration under limited circumstances, however, other legal financial obligations may take precedence.

In an instance where a felony offender, with the means to pay, is sentenced to prison, the court may require the offender to pay for his or her cost of incarceration at a rate of \$50 per day. The Department of Corrections is responsible for establishing deductions to be made from the inmate's wages to contribute to the cost of incarceration and the development of the Correctional Industries Program. Generally, an inmate's wages are subject to deductions ranging anywhere from 5 percent to 55 percent of their wages. Funds received by inmates from outside of the prison are also subject to the 55 percent deduction.

Courts may also require any inmate sentenced to a city or county jail, with the means to pay, to compensate the locality for his or her incarceration. Costs of incarceration can range up to a maximum of \$50 per day for any offender convicted of a misdemeanor or gross misdemeanor offense and sentenced to a local jail. All funds received by inmates for the cost of incarceration in a county or city jail must be remitted for criminal justice purposes to the county or city that is responsible for the offenders' jail costs.

Summary of Bill:

If a court determines that an offender has the means to pay for the cost of his or her incarceration, the court may require the offender to pay: 1) \$50 per day if he or she is confined in a prison, or

2) the actual cost of incarceration if the offender is confined in a local jail. In no case may the court require the offender to pay more than \$100 per day for his or her cost of incarceration.

Appropriation: None.

Fiscal Note: Requested on February 17, 2004.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.